IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26911 of 2005

Between:

Smt.Punem Venkata Ramana

..... PETITIONER

AND

The Station House Officer,

Yellandu Police Station, Yellandu,

Khammam District and 4 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, directing the respondents 1 to 3 to take action against respondents 4 and 5 particularly under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the other relevant law and to direct the respondents to give protection to the petitioner and the house under construction in Sy.No.603, (Block No.603) an extent of Ac.0.03 cents (Plot No.0.03) situated at Sudimalla village and Gram Panchayat, Yellandu Mandal, Khammam District, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleaders for Home and Revenue.

It is stated that the petitioner was assigned a house site vide proceedings in Rc.No.C/105/99, dated 25.01.1999 allotting a plot admeasuring Ac.0.03 cents in Sy.No.603, situated at Sudimalla village, Yellandu Mandal of Khammam District, bounded by North-Sarropaiah Pitchaiah House, East-G.P.Road, South-Balajee Rice Mill Colony and West-R&B Road, on certain conditions. It is further stated that none of the conditions have been violated and the petitioner is in continuous possession and enjoyment of the said house site. While so, the

4th respondent started interfering with her peaceful possession and enjoyment of the said house site and he was terrorizing and creating troubles in respect of construction of the house and causing damages. In this regard, the petitioner filed complaints before the 3rd respondent on 16.11.2005 and before the 1st respondent on 05.12.2005.

In so far as construction of the house is concerned, I am not inclined to express any opinion, as no construction can be made without proper permission. But with regard to the interference with the peaceful possession and enjoyment of the petitioner over the house site in question is concerned, when a complaint is made before the concerned police, the concerned police are under obligation to make an enquiry and to take appropriate action against the alleged trespassers and the persons who are

interfering with the peaceful possession and enjoyment of the house site of the petitioner.

Having regard to the facts and circumstances of the case, the

1st respondent is directed to register a case and investigate into, if the allegations of the complaint of the petitioner dated 05.12.2005 made out any prima facie cognizable offence against the persons reported, and intimate the fate of the complaint to the petitioner, within a period of

10 (ten) days from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 19.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr